

September 6, 2018

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DATE: 9-6-18 TIME: 3:11pm
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Via Hand Delivery

The Honorable Lee Cassis
Clerk of the West Virginia Senate
1900 Kanawha Boulevard, East
Room M-211 State Capitol Complex
Charleston, WV 25305

Re: Matter of Impeachment Proceeding Against Respondent
Retired Justice Robin Davis

Dear Clerk Cassis:

Enclosed for filing in the referenced matter please find a "Motion for *Pro Hac Vice* Admission of James M. Cole" to appear on behalf of Respondent Retired Justice Robin Davis. Copies have been served on other counsel as reflected on the certificate of service and a courtesy copy provided to Justice Farrell.

Please let me know if there are questions.

Very truly yours,



ROBERT B. ALLEN

RBA:pcd
Enclosure

cc: Justice Paul T. Farrell
Counsel of Record

IN THE WEST VIRGINIA SENATE
SITTING AS A COURT OF IMPEACHMENT

IN RE: Matter of Impeachment Proceeding
Against Respondent Retired Justice Robin Davis

APPLICATION TO JUSTICE PAUL T. FARRELL, PRESIDING OFFICER:

MOTION FOR *PRO HAC VICE*
ADMISSION OF JAMES M. COLE

COMES NOW Robert B. Allen, an active member in good standing of the West Virginia State Bar, and pursuant to Rule 8.0 of the Rules of Admission to the Practice of Law in the State of West Virginia, moves this Court of Impeachment to accord James M. Cole, an attorney who is not lawfully licensed and admitted to the practice of law in the State of West Virginia, the privilege to appear in this Court of Impeachment as counsel on behalf of Respondent, Retired Justice Robin Davis. A copy of the "Verified Statement of Application of James M. Cole for *Pro Hac Vice* Admission" is attached hereto and made a part hereof as "Motion Exhibit A." The Verified Statement of Application, along with the required fee of \$350.00, has been forwarded to the West Virginia State Bar.

WHEREFORE, based upon the foregoing, the undersigned respectfully requests that the Court of Impeachment grant this "Motion for *Pro Hac Vice* Admission of James M. Cole" to appear in this impeachment proceeding.

RETIRED JUSTICE ROBIN DAVIS

RESPONDENT

BY COUNSEL

Robert B. Allen

ROBERT B. ALLEN (WV Bar No. 110)

PAMELA C. DEEM (WV Bar No. 976)

KAY CASTO & CHANEY PLLC

707 Virginia Street, East, Suite 1500

P. O. Box 2031

Charleston, WV 25327

(304) 345-8900

IN THE WEST VIRGINIA SENATE
SITTING AS A COURT OF IMPEACHMENT

IN RE: Matter of Impeachment Proceeding
Against Respondent Retired Justice Robin Davis

**VERIFIED STATEMENT OF APPLICATION OF
JAMES M. COLE FOR *PRO HAC VICE* ADMISSION**

Pursuant to Rule 8 of the Rules for Admission to the Practice of Law in the State of West Virginia, I, James M. Cole of Sidley Austin LLP, being duly sworn, hereby apply for admission *pro hac vice*, stating as follows:

1. I wish to appear in this impeachment proceeding on behalf of Respondent Retired Justice Robin Davis.
2. I am engaged in the practice of law at the firm of Sidley Austin LLP, 1501 K Street, N.W., Washington, DC 20005, telephone number (202) 736-8246.
3. I am an active member in good standing of the District of Columbia Bar (385857) and an inactive member in good standing of The State Bar of California (90896).
4. The name, address and telephone number of the disciplinary agency for the District of Columbia Bar is Office of Disciplinary Counsel, 515 5th Street, NW, Superior Court Building A, Room 117, Washington, DC 20001, (202) 638-1501 (Bar No. 385857). The State Bar of California, State Bar Court, Office of Chief Trial Counsel, 180 Howard St., San Francisco, CA 94105, (415) 538-2000 (Bar No. 90896).
5. I have never been the subject of any disciplinary hearing and have never been disciplined at any time by any court or bar.

6. I have not appeared or been otherwise involved in any matter before a West Virginia tribunal or body within the preceding 24 months.
7. Members of my law firm, Sidley Austin LLP, have been involved in matters before West Virginia tribunals or bodies during the past 24 months, attached as an exhibit.
8. Robert B. Allen is a member of the West Virginia State Bar and agrees by his signature on the attached endorsement, to participate as local counsel with regard to all matters pertinent to the subject of this Application. Mr. Allen is a member of the firm of Kay Casto and Chaney PLLC, located at the following address: 1500 Chase Tower, 707 Virginia Street, East, P. O. Box 2031, Charleston, WV 25301-0327, telephone number (304) 345-8900.
9. I agree to comply with all applicable laws, rules, and regulations of West Virginia state and local governments, including taxing authorities and any standards for *pro bono* civil and criminal defense legal services.
10. Pursuant to Rule 8.0(c), this "Verified Statement of Application of James M. Cole for *Pro Hac Vice* Admission," along with the requisite \$350 admission fee is being provided to the West Virginia State Bar.

James M. Cole

James M. Cole

DISTRICT OF COLUMBIA:

The foregoing "Verified Statement of Application of James M. Cole for *Pro Hac Vice* Admission" was acknowledged and sworn to before me this 5th day of September, 2018.

My commission expires: April 30, 2020

Megan Rae Lyles
Notary Public



STATEMENT OF ENDORSEMENT

Pursuant to Rule 8.0(c) of the Rules for Admission to the Practice of Law in the State of West Virginia, Robert B. Allen hereby endorses the Verified Statement of Application for *Pro Hac Vice* Admission James M. Cole and agrees to participate in this matter as local counsel.



ROBERT B. ALLEN (WV Bar No. 110)
KAY CASTO & CHANEY PLLC
707 Virginia Street, East, Suite 1500
P. O. Box 2031
Charleston, WV 25301-0327
(304) 345-8900

**EXHIBIT TO VERIFIED STATEMENT OF APPLICATION OF JAMES M. COLE
FOR PRO HAC VICE ADMISSION**

Upon information and belief and following a good faith inquiry, a member of Sidley Austin LLP is or has been involved in the preceding 24 months in the following matters before West Virginia tribunals or judicial bodies:

Bartlett v. Stewart Title Guaranty Co., Civil Action No. 07-c-188r (Cir. Ct. of Ohio County)

Janssen Biotech, Inc., et al. v. Mylan Pharmaceuticals, Inc., et al., Civil Action No. 1:15-cv-130 (N.D.W.Va.)

Mandirola v. Potomac Riverkeeper, Inc. (WV Cir. Ct. of Kanawha County)

Potomac Riverkeeper, Inc. v. WVDEP, Appeal No. 13-06-EQB (Environmental Quality Board)

Takeda Pharmaceuticals America, Inc., et al., No. 15-039 (Supreme Ct. of Appeals)

West Virginia v. New York Life Insurance Company, Civil Action No. 12-C-293 (W. Va.)

West Virginia v. New York Life Insurance, Civil Action No. 12-C-329 (W. Va.)

West Virginia v. Liberty Life, Civil Action No. 12-C-419 (W. Va.)

West Virginia v. American Income Life Insurance, Civil Action No. 12-C-330 (W. Va.)

West Virginia v. AXA Equitable Life, Civil Action No. 12-C-289 (W. Va.)

West Virginia v. Global Life & Accident, Civil Action No. 12-C-375 (W. Va.)

West Virginia v. United American Insurance Co., Civil Action No. 12-C-439 (W. Va.)

CERTIFICATE OF SERVICE

I, ROBERT B. ALLEN, counsel for Respondent, do hereby certify that the foregoing “*Motion for Pro Hac Vice Admission of James M. Cole*” has been served upon the following individuals this 6th day of September, 2018, by regular mail and by hand delivering a true and exact copy thereof as follows:

Benjamin L. Bailey, Esq.
Steven Robert Ruby, Esq.
Bailey & Glasser, LLP
209 Capitol Street
Charleston, WV 25301

Jonathan Zak Ritchie, Esq.
Hissam Forman Donovan Ritchie PLLC
707 Virginia St. E., Suite 260
Charleston, WV 25301

John A. Carr, Esq.
179 Summer Street, Suite 209
Charleston, WV 25301

Honorable John Shott
Room 418M, Building One
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1900 Kanawha Boulevard, East
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Honorable Roger Hanshaw
Room 408M, Building One
State Capitol Complex
1900 Kanawha Boulevard, East
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Honorable Rodney Miller
Room 150R, Building One
State Capitol Complex
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Honorable Ray Hollen
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Robert B. Allen

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